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**3:09-CV-2396-D**



**ORIGINAL**

<b>KEYANA IT CO. LTD.,</b>	*
<b>A corporation,</b>	*
<b>PREMIUM ISSUER,</b>	*
<b>A corporation,</b>	*
<b>MUHAMA KHAIRUL IBRAHIM,</b>	*
<b>An individual,</b>	*
<b>TOUCH DIAMOND LIMITED,</b>	*
<b>A corporation,</b>	*
<b>HOTFILE PREMIUM,</b>	*
<b>A corporation,</b>	*
<b>AYDINLAR KIRTASIYE OFFICE,</b>	*
<b>A corporation,</b>	*
<b>OZGUR,</b>	*
<b>An individual,</b>	*
<b>TAMER ÇEKICI,</b>	*
<b>An individual,</b>	*
<b>FATİH OKTEN,</b>	*
<b>An individual,</b>	*
<b>JOHN DOE, numbers 1-500,</b>	*
<b>Presently unknown Defendants.</b>	*
<b><u>Defendants.</u></b>	*

**DOCUMENT FILED UNDER SEAL**

**SUPPLEMENTAL DECLARATION OF MARC RANDAZZA SUPPORTING PLAINTIFF'S  
MOTION FOR ENTRY OF ORDER OF CONTEMPT  
AGAINST DEFENDANTS HOTFILE.COM AND ANTON TITOV**

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Florida Bar Card No.: 625566  
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Texas Bar Card No.: 00790010  
Admitted to practice before the  
United States District Court  
Northern District of Texas

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**SUPPLEMENTAL DECLARATION OF MARC RANDAZZA SUPPORTING PLAINTIFF'S**  
**MOTION FOR ENTRY OF ORDER OF CONTEMPT**  
**AGAINST DEFENDANTS HOTFILE.COM AND ANTON TITOV**

I, **MARC RANDAZZA**, declare pursuant to **28 U.S.C. §1746** (West, 2009):

1. I am the in-house attorney for Plaintiff Liberty Media Holdings, L.L.C. (hereinafter, "Plaintiff LMH").
2. My investigation into Defendants Hotfile.com and Anton Titov suggested strongly that the Panamanian address claimed by Defendant Hotfile.com as its headquarters and mailing address was false. My investigation revealed the following: (1) as Plaintiff LMH's legal counsel, I caused to be sent the legal papers and documents in this case to Defendants Hotfile.com and Anton Titov at the address listed as their physical location on public records and other reliable record sources; (2) the

papers were sent via United Parcel Service, overnight delivery; (3) my office received information from United Parcel Service that the location listed as the physical address of Defendants Hotfile.com and/or Anton Titov in Panama was, in fact, an empty building, housing only a restaurant that was closed for remodeling, however the papers were signed for at Anton Titov's Bulgarian address by an individual by the name of "Petrova". *See, Exhibit A.* Further, no entity identifying itself as Hotfile.com and no person identifying themselves as Anton Titov were either listed as being present at the Panamanian address or otherwise were located at that address.

3. Given that Hotfile.com used at least one false and fraudulent address, out of an abundance of caution and in an effort to comply with my professional responsibility as an attorney to ensure that Defendants were served with the Court's Temporary Restraining Order (hereinafter, "TRO") and other papers in this case, I directed my paralegal, Mr. Eric Gapp, to serve all relevant documents to every e-mail address that we had on file for Hotfile.com and Anton Titov.

4. Mr. Gapp complied with my directions on January 20, 2010 and January 21, 2010.

5. On January 21, 2010, at approximately 1:05 p.m., I received contact from an attorney identifying himself as Counsel for Defendant Hotfile.com. The contact came from telephone number 214-292-4070. The Counselor identified himself as Hotfile.com's attorney; Mr. Victor Johnson, Esq. of the law firm Fish & Richardson. Mr. Johnson stated that Defendant Hotfile.com contacted him to act as their defense counsel in the present case. Mr. Johnson requested information and filings regarding the "Hotfile case."

6. I directed my paralegal, Mr. Eric Gapp, forward all relevant documents to Mr. Johnson. Mr. Gapp complied with my directives.

7. I have a reasonable basis to believe, and do believe, that Mr. Johnson was in contact with Defendant Hotfile.com and that Defendant Hotfile.com provided Mr. Johnson with notice of the suit. Additionally, Mr. Johnson received notice by receiving all legal papers and documents via United Parcel Service, overnight delivery service. *See, Exhibit B*, a copy of the UPS delivery confirmation, attached hereto and incorporated herein for all purposes.

8. On January 24, 2010, I received an e-mail from attorney James Chadwick of Sheppard Mullin. Mr. Chadwick stated that Defendants Hotfile.com and Anton Titov retained him to represent their legal interests. Mr. Chadwick and I discussed many aspects of the case via e-mail. Mr. Chadwick requested I forward copies of all motions, pleadings, and orders filed in the matter to date. I directed my paralegal, Mr. Gapp, to forward all legal papers and documents to Mr. Chadwick. Mr. Gapp complied with my directives.

9. Mr. Chadwick indicated that his clients had not authorized him to accept service of process in this case. However, Mr. Chadwick confirmed that he received the First Amended Complaint, the TRO, and the scheduling order(s). Mr. Chadwick confirmed that Counsel for Defendants Hotfile.com and Anton Titov received these documents. Therefore, Defendants Hotfile.com and Anton Titov were actually or constructively noticed of the pending lawsuit, and completely aware of the Court's TRO and the directives therein.

10. I have firm confirmation that: (1) Mr. Chadwick has been retained as counsel for Defendants Hotfile.com and Defendant Anton Titov; (2) Mr. Chadwick received all legal papers and documents relating to his clients in the pending action; and, (3) Mr. Chadwick is authorized to proceed in all matters as the Counsel of Record for Defendant Hotfile.com.

11. Mr. Chadwick has acknowledged the facts stated in Paragraph 10, *supra*, via e-mail and telephone. *See, Exhibit C*, attached hereto and incorporated herein for all purposes. Furthermore, Mr.

Chadwick is personally known to me. In my experience, Mr. Chadwick is a reputable and honest attorney, and would not claim to represent a party if that statement were untrue.

12. At the time of our initial contact, Mr. Chadwick already possessed the TRO, scheduling order, and the Amended Complaint. Because the Court Order was sealed, and given only to the Defendants in this case, it is logically consistent to conclude that his clients (Defendants Hotfile.com and Anton Titov) provided Mr. Chadwick with the legal papers and documents, including the Court's TRO.

13. I have been contacted by two (2) attorneys indicating their representation of Defendants Hotfile.com and Anton Titov. Therefore, I have a reasonable basis to believe, and do believe that Defendants Hotfile.com and Anton Titov have actual and full notice of the claims against them and the Court's Temporary Restraining Order.

14. Despite being aware of the requirements of the Court's Order, Defendants Hotfile.com and Anton Titov have continued to post and make available for download, copies of Plaintiff LMH's copyrighted works. It is clear through the piracy reports received by Plaintiff LMH that the Defendants' illegitimate use of LMH's copyrighted works will continue despite this Court's explicit order.

15. In my conversation with Mr. Chadwick, he said that Defendant Hotfile.com considers the Court's order "difficult to comply with." In contravention of Mr. Chadwick's assertion, there exists numerous methods by which Defendants can comply affirmatively and completely with the Court Order. These include, but are not limited to:

- a. Shutting down Hotfile.com;
- b. Having a person or persons screen uploaded files for the CORBIN FISHER® trademark;



- c. By doing all of the following: placing explicit warnings on the Hotfile.com website that: (1) CORBIN FISHER® materials are prohibited uploads and/or downloads, (2) gathering personally identifiable information about each individual illegally uploading or otherwise accessing CORBIN FISHER® copyrights material (corroborated by a credit card); (3) placing the infringers on notice that their information will be released to Plaintiff LMH if they upload or download CORBIN FISHER® materials.

Although methods exist by which Defendants could comply reasonably with the Court's TRO, they failed and refused to comply and have continued to ignore this Court's directives.

16. It is my belief that unless Defendants Hotfile.com and Anton Titov are coerced into compliance with the Court's TRO through monetary and other sanctions, they will continue to mock this Court's lawful Order. It is my belief that, if the Court fines or orders Hotfile.com disabled, Defendants Hotfile.com and Anton Titov will not comply with the Court order.

**FURTHER, DECLARANT SAYETH NAUGHT.**

Executed this 26 day of January, 2010, under penalty of perjury.

  
**MARC RANDAZZA, DECLARANT**

**VERIFICATION OF DECLARATION**

I, **MARC RANDAZZA**, am the Declarant of the statement above. I have read the foregoing statement and am familiar with each and every statement contained therein. The matters stated in my Declaration are true and correct and are within my personal knowledge.

I declare, aver, and verify under penalty of perjury under the laws of the State of California and the laws of the United States that the foregoing Declaration is true and correct.

Verification signed the day and date first noticed above.

  
MARC RANDAZZA, DECLARANT

**SUBSCRIPTION OF NOTARY PUBLIC**

**THE STATE OF CALIFORNIA \***


**\* KNOW ALL MEN BY THESE PRESENTS THAT:**

**THE COUNTY OF SAN DIEGO \***

**BEFORE ME**, a Notary Public in and for the State of California and the County of San Diego, personally appeared **MR. MARC RANDAZZA**, the Declarant above. Upon being duly sworn, he said, upon his oath, that the statements contained in his Declaration were the truth, that he was familiar with each and every statement contained in the Declaration, that he made his Declaration of his own free act and volition, was under no threats of force, duress, or coercion when he made his Declaration, and was promised nothing of value in return for making his Declaration.

Signed and subscribed before me on this, the 26 day of the month of January, A.D., 2010.

San Diego County, California.

  
NOTARY PUBLIC IN AND FOR  
THE STATE OF CALIFORNIA AND  
THE COUNTY OF SAN DIEGO

SEAL OF THE NOTARY PUBLIC



July 02, 2012  
NOTARY COMMISSION EXPIRES:

**Exhibits to Declaration of Marc Randazza  
In Support of Plaintiff's  
Motion for Entry of Order of  
Contempt Against Hotfile.com and Titov**

[View Shipment Details](#)[Print](#)**Your package has been delivered.**

**Tracking Number:** 1Z04X0V70449703804  
**Status:** **Delivered**  
**Delivered On:** 01/25/2010 1:40 P.M.  
**Signed By:** PETROVA  
**Location:** OFFICE  
**Delivered To:** SOFIA, BG  
**Shipped/Billed On:** 01/21/2010  
**Type:** Package  
**Service:** UPS SAVER

[View Shipment Information](#)

**NOTICE:** UPS authorizes you to use UPS tracking systems solely to track shipments tendered by or for you to UPS for delivery and for no other purpose. Any other use of UPS tracking systems and information is strictly prohibited.

**Exhibit B**  
**UPS Confirmation Page for Victor Johnson**

**Proof of Delivery**

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number:** 1ZXX96780157781462  
**Service:** NEXT DAY AIR  
**Weight:** 4.30 Lbs  
**Shipped/Billed On:** 01/21/2010  
**Delivered On:** 01/22/2010 10:00 A.M.  
**Delivered To:** DALLAS, TX, US  
**Signed By:** BRINK  
**Location:** FRONT DESK

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 01/26/2010 4:39 P.M. ET

Dear Marc:

It looks like we will be crossing paths once again.

I have been retained to represent Hotfile and Anton Titov. I have received copies of the TRO, scheduling order, and the first amended complaint. However, as you know, the case is sealed. Therefore, I have not been able to obtain copies of any other filings or orders.

I would very much appreciate it if you would send me copies of the other documents and orders filed in the case, and in particular the following: the sealing order, any order regarding the timing or method of service, the papers filed in support of your application for the TRO, and the original complaint.

I would also appreciate the opportunity to talk to you about the scope and meaning of the TRO at your earliest convenience--today if possible. You can reach me today on my mobile: 408-966-1379.

I look forward to hearing from you. Thanks.



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Menlo Park, CA 94025-1949  
650.815.2600 office  
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[www.sheppardmullin.com](http://www.sheppardmullin.com)

**James Chadwick**

650.815.2605 direct